

**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

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EI-1452  
KB

March 22, 2005

In Reply Refer To  
STB050214H

Louis Gitomer  
C/O Ball Janik LLP  
1455 F Street, NW Suite 225  
Washington DC 20005

RE: SECTION 106 CONSULTATION FOR DOCKET NO. AB-170 (SUB NO. 2X) AND AB-398 (SUB NO. 10X), SUNSET RAILWAY COMPANY ABANDONMENT EXEMPTION AND SAN JOAQUIN VALLEY RAILROAD COMPANY DISCONTINUANCE EXEMPTION, KERN COUNTY, CALIFORNIA

Dear Mr. Gitomer:

Thank you for informing me of the proposed undertaking referenced above. Pursuant to its responsibilities under Section 106 of the National Historic Preservation Act and 36 CFR Part 800, the Surface Transportation Board (STB) has determined that the proposed action is a federal undertaking that may have the potential to cause effects on historic properties. Specifically, the San Joaquin Valley Railroad (SJVR) and Sunset Railway Company (SRY), is initiating consultation with me in order to seek my input on the proposed project based on the Historic Report that was submitted by the applicants.

I have reviewed the Historic Report and have the following comments. In order that you can identify historic properties within the area of your undertaking, I suggest that you perform the following tasks.

- 1. Establish an Area of Potential Effects** – 36 CFR Part 800.4 (a)(1) requires that the Agency Official consult with the State Historic Preservation Officer to “determine and document the area of potential effects (APE), as defined in Section 800.16(d).” We have found no indication of the APE for this undertaking in the materials that we have received. We recommend submitting an APE map accompanied by a written description of how the APE for the undertaking was defined.
- 2. Level of effort – Historic Property Identification Effort** – We recommend that the applicants begin their identification efforts by contacting the Southern San Joaquin Valley Information Center at California State University, Bakersfield (661)-664-2415. This office of the California Historical Resources Information System maintains the archive of identified properties, investigation reports, and other related materials for Kern County.

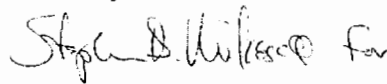
In addition, we have found no indication that a field survey has been conducted of the APE for this undertaking. Given the nature of the undertaking, degree of Federal involvement, the potential effects on historic properties and the likely nature and location of historic properties within the APE, we recommend that the SJVR and SRY identify and provide information on any historic properties that may be affected by the project and gather sufficient information to evaluate the eligibility of these properties for the National Register of Historic Places (NRHP). This would include evaluating the NRHP significance of those segments and associated features of the rail line currently owned by the San Joaquin Valley Railroad Company between Levee and Taft and the 18-mile rail line known as the Sunset Subdivision, between Levee (MP 18.3) and Taft (MP 36.3) which is currently owned by the SRY. The Secretary's

standards and guidelines for identification efforts provide guidance on this subject as found at [http://www.cr.nps.gov/local-law/arch\\_stnds\\_0.htm](http://www.cr.nps.gov/local-law/arch_stnds_0.htm).

**3. Native American Consultation** – We also recommend that SJVR and SRY make a reasonable and good faith effort to identify and consult with the Native American Heritage Commission and any Indian tribe(s) that might attach religious and cultural significance to historic properties in the APE and that documentation of these results be supplied as part of the consultation effort with us.

Once these items are submitted to me, I can continue to comment on your efforts to take into account the effects of the undertaking on historic properties. Please do not hesitate to contact Kelly Hobbs, Associate Environmental Planner at (916) 653-8936 or at [khobb@ohp.parks.ca.gov](mailto:khobb@ohp.parks.ca.gov), if you have any questions or need clarification of any of my comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "Milford Wayne Donaldson".

Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer

cc: Victoria Rutson, Chief  
Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street NW,  
Washington, DC 20542